

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

VANCE PROCTOR,)	
)	
Plaintiff,)	
)	CASE NO. 2:13-CV-00157-LSC
vs.)	
)	
CSX TRANSPORTATION, INC.,)	
a corporation,)	
)	
Defendant.)	

MOTION FOR LEAVE TO AMEND COMPLAINT

COMES NOW Plaintiff Vance Proctor, by and through his counsel of record, and moves this Honorable Court to enter an order allowing him to amend his Complaint filed on April 23, 2013, to dismiss without prejudice Plaintiff's FRSA claims (which are set out in paragraphs 8, 9, 10, 17 and 19). The Plaintiff seeks to do this in order to satisfy an *ante litem* notice provision applicable to FRSA claims.

Respectfully submitted,

BURGE & BURGE

s/F. TUCKER BURGE

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2013, I electronically filed the above and foregoing document with The Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Morris Wade Richardson and Todd M. Higey, RichardsonClement PC, 200 Cahaba Park Circle, Suite 125, Birmingham, AL 35242-5091 and Joseph C. Devine and Matthew L. Roberts, Baker & Hostetler, LLP, 65 East State Street, Suite 2100, Columbus, OH 43215-4260.

s/F. TUCKER BURGE

OF COUNSEL